

**AMENDMENTS TO THE CLAIMS:**

Please amend the claims, as indicated below. This listing of claims will replace all prior versions and listings of claims in the application:

**Listing of Claims:**

1-4. (Canceled)

5. (Currently Amended) A voice mail device, comprising:

a first audio data storing section which stores ~~first~~ audio data in a first encoding format;

a second audio data storing section which stores ~~second~~ the audio data in a second encoding format;

an encoding format determining section which communicates with a first telephone terminal to determine an encoding format of audio data;

an audio data selecting section which selects audio data from ~~the first and second audio data~~ the audio data in the first encoding format and the audio data in the second encoding format based on the

determination by ~~[[said]]~~ the encoding format determining section;

a packet converting section which converts the audio data selected by ~~[[said]]~~ the audio data selecting section to an audio packet; and

a packet transmitting section which transmits to the first telephone terminal the audio packet resulting from the conversion by ~~[[said]]~~ the packet converting section.

6. (Currently Amended) The voice mail device as set forth in claim 5, further comprising:

a packet receiving section which receives a first audio packet including the first audio data in the first encoding format and a second audio packet including the second audio data in the second encoding format,

wherein ~~[[said]]~~ the first and second audio data storing sections store the first and second audio data included in the first and second audio packets received by ~~[[said]]~~ the packet receiving section.

7. (Previously Presented) The voice mail device as set forth in claim 6, wherein said packet receiving section receives the first and second audio packets transmitted from a second telephone terminal.

8. (Previously Presented) The voice mail device as set forth in claim 6, wherein said packet receiving section receives the first and second audio packets originating in audio data recorded in a storage medium.

- 9-12. (Canceled)

13. (Currently Amended) ~~The voice mail communication method as set forth in claim 9, further~~ A voice mail communication method, comprising:

storing first audio data in a first encoding format;

storing second the audio data in a second encoding format;

communicating with a first telephone terminal to determine an encoding

format of audio data;

selecting audio data from ~~the first and second audio data~~ the audio data in

the first encoding format and the audio data in the second encoding

format based on the determined encoding format;

converting the selected audio data to an audio packet; and

transmitting the audio packet resulting from the conversion.

14. (Currently Amended) The voice mail communication method as set forth in claim 13, further comprising:

receiving a first audio packet including the ~~first~~ audio data in the first

encoding format and a second audio packet including the ~~second~~

audio data in the second encoding format,

wherein the stored ~~first and second~~ audio data ~~[[are]]~~ is the ~~first and~~

~~second~~ audio data included in the received first and second audio

packets.

15. (Previously Presented) The voice mail communication method as set forth in claim 14, wherein the received first and second audio packets are transmitted from a second telephone terminal.

16. (Original) The voice mail communication method as set forth in claim 14, wherein the received first and second audio packets originate in audio data recorded in a storage medium.